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August 16, 2021

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Department of Transportation  
Docket Operations  
Cc: FTA Administrator Nuria Fernandez  
M-30, West Building Ground Floor, Room W12-140  
1200 New Jersey Avenue S.E.  
Washington, DC 20590

Subject: Docket No. FTA-2021-0011  
Document No. 2021-15078

Dear Docket Clerk:

As you know, safety is the number one core value for APTA members, including bus, rail, ferry and commuter rail operators. The men and women responsible for managing and operating public transportation systems are fully committed to the safety of their systems, passengers, employees, and the public. In addition, APTA has found that traveling by public transportation is ten times safer per mile than traveling by car (2021 *APTA Hidden Traffic Safety Solution Report*, found [here](#)).

APTA appreciates the opportunity to respond to this Request for Information (RFI) on Transit Safety Concerns. We reached out to our large, medium and small size bus and rail member agencies in early August and we able to gather what the public transportation industry has identified has as major safety concerns, as well as significant issues in our industry that we think the Federal Transit Administration should be focusing on moving forward.

To answer the "Questions to the Public" set forth in FTA's RFI, APTA has identified the following:

*Safety Concerns*

1. *What transit safety concerns should FTA consider analyzing through its SRM process for small transit providers? Large transit providers? Rail, bus, and multimodal transit providers? Briefly describe why each identified safety concern should be considered, including any data-based evidence that may be available.*

As reported by APTA member transit agencies, these are the major safety concerns that have been identified:

- Hours of Service of Transit Operators
- Fitness for Duty and Re-occurring Medical Evaluations
- Inward and Outward Facing Cameras
- Operator Assaults and Rise in Violence on Transit in the past two years
- Roadway Worker Protection
- Collection of Data/Targets for Small Bus Agencies

All of the above issues have been widely discussed in the transit industry for the past few years. Although Hours of Service (HOS) policies have been implemented by the Federal Railroad Administration (FRA) through 49 CFR Part 228, nothing similar has been implemented by FTA. At many agencies, safety officials would like to implement an HOS policy, but cannot do so due to current labor bargaining agreements. Therefore, if FTA were to explore a policy in this area, similar to FRA, it may enhance safety so that transit operators are not operating vehicles beyond a set number of hours. Of note, APTA currently has an Hours of Service Requirement standard for Rail Transit, found [here](#).

Similar to HOS, Fitness for Duty and re-occurring medical evaluations for safety sensitive positions is something the FTA may want to examine as well. Currently, there are not any federal (and only a few State) policies that require re-occurring physicals for transit employees. Without a policy from the Federal Government or States, such a program would need to be put into a transit agency's employment bargaining agreement, and this also presents additional costs and operating logistics to the transit agency. In addition, APTA has a fitness for duty standard for rail transit and it can be found [here](#). APTA recommends that FTA continue to support APTA's standard in this area and encourage agencies to put their own fitness for duty policies in place.

Inward and outward facing cameras is an area that has or is being adopted by many in the transit industry. APTA has recently published a rail transit recommended practice found [here](#), which many of our members are utilizing. After hearing from APTA's membership, we have found that cameras are something that many transit agencies have procured (or are looking into procuring) and can assist safety investigations with the recording of incidents. APTA suggests that the FTA review APTA's recommended practice and adopt it industry-wide for public transportation. However, we do not think that FTA needs to adopt regulations for camera use. Rather, the FTA should encourage transit agencies to follow the APTA standard when procuring cameras and base the procurement on the agency's individual operational needs.

Operator assaults have increased substantially over the last few years, and this has also been exacerbated by the [CDC's mask mandate in transportation](#) (for which APTA highly supports). Transit operators have installed protective barriers in their vehicles and implemented policies such as rear-door boarding and de-escalation training to prevent some of these issues with unruly passengers. FTA launched the Enhanced Transit Safety and Crime Prevention Initiative in July 2021 and highlighted the National Transit Institute (NTI) Course Catalog, which includes assault awareness and prevention courses. APTA believes that the FTA should continue its efforts in areas that protect transit workers and riders.

Roadway Worker Protection (RWP) is a common safety-related issue/concern, especially on rail transit and commuter rail properties. APTA has also created a standard in this area for rail transit and it can be found [here](#). Many rail transit properties have utilized this standard to create their own RWP programs and manuals. APTA suggests FTA continue to support APTA's RWP standard and encourage the development and implementation of new technologies to further enhance RWP programs throughout rail transit.

Finally, APTA is concerned about the issue of collection of data/setting of safety performance targets for small bus agencies and small transit providers. Through the Public Transportation Agency Safety Plan (PTASP) at 49 CFR Part 673, transit agencies must now set safety performance targets at each individual transit agency (even if their State DOT drafted the PTASP). This safety performance target data is data that many of these transit agencies may not be able to collect, and this may be a bit overwhelming for many of these agencies that are operating with very small budgets and a small staff. It could actually pose a burden for these agencies to collect this additional data when they need to be focusing on operating their systems and may not have the resources to conduct this data collection.

- 2. Are there any new or emerging safety concerns that may not yet appear in industry data (either through near misses or not meeting reporting thresholds, for example) that should be analyzed by FTA to proactively mitigate future impacts?*

APTA noted its identified safety concerns in answer to Question 1, above.

Overall, APTA would like the FTA to be cognizant to the fact that U.S. transit agencies just met the July 21, 2021 deadline for drafting and self-certifying their PTASPs, but many transit agency's Safety Management Systems (SMSs) are not yet fully mature. SMS maturity at many agencies will take many months and even years to become fully integrated. As witnessed in the aviation industry, it took many years for SMS to fully take hold and FTA should recognize that this may be the case in public transportation as well.

#### Sources of Information and Data

- 3. Are there additional sources of information and data, beyond those detailed in this request, that may help inform FTA's identification of high priority safety concerns for the SRM process and potential action at the Federal level?*

Sources of data could come from the FTA itself and also from the State Safety Oversight Agencies (SSOAs), identified through 49 CFR Part 674.

Also, APTA would like to reiterate the fact that data is not fully protected by the FTA in the same way it is by the FRA or FAA (through statute). Therefore, APTA encourages Congress and the FTA to enact these full data protections for bus and rail transit properties that have safety oversight provided by SSOAs and the FTA.

4. *Are there additional sources of information and data, beyond those detailed in this request, that FTA should consider in supporting the assessment and mitigation of identified transit safety risks?; and*
5. *Should data sources outside of those maintained by transit agencies and FTA, such as geographic or demographic data, be considered to support the identification of safety concerns and assessment and mitigation of safety risk? If so, which data sources, and why?*

There seems to be a well-established gap between how trespass- and suicide-related incidents are reported by rail transit systems to the National Transit Database (NTD) and by commuter rail systems to FRA's Rail Accident/Incident Reporting System.

APTA members are concerned that FTA's and FRA's different definitions, reporting elements, and data collection methodologies for rail trespass and suicide incidents may diminish the U.S. Department of Transportation's ability to meaningfully compare information and evaluate the effectiveness of countermeasures to prevent or reduce the severity of incidents.

Some transit agencies operate both rail transit and commuter rail systems. Aligning the FTA and FRA trespass and suicide data definitions and reporting elements would streamline and strengthen these agencies' data collection and reporting.

For more information, please see TRACS Report 18-03, "[Trespass and Suicide Prevention Final Report](#)," Recommendation #1: Align FTA and FRA trespass and suicide data definitions and reporting.

APTA would like to thank the FTA for the opportunity to respond to this "Request for Information on Transit Safety Concerns." The responses to FTA's questions above were collected from numerous transit agency members of APTA – including bus and rail and small, medium and large transit agencies.

APTA looks forward to continuing to work with the FTA and Administrator Fernandez in developing safety solutions and improving upon the already incredibly safe record of the public transportation industry. If you have any questions or concerns in regard to the topics discussed in this letter, please contact Brian Alberts, APTA Senior Director of Safety and Advisory Services at [balberts@apta.com](mailto:balberts@apta.com) or 202-496-4885.

Sincerely,



Paul P. Skoutelas  
President and Chief Executive Officer